

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein shall not replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the Purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS **\$7,084.00 UNITED STATES CURRENCY**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

© ATTORNEYS (FIRMS NAME, ADDRESS, AND TELEPHONE NUMBER)

KARON V. JOHNSON, AUSA 472-7332 ext. 146

ATTORNEYS (IF KNOWN)

03-00026

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizen of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- | | | | |
|---|---|---|---|
| Citizen of This State | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Title 21, U.S.C. § 881(a)(6), Forfeiture of United States Currency, proceeds of trafficking in controlled substances.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgement <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suit <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury </td> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury- Med Malpractice <input type="checkbox"/> 365 Personal Injury- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table>	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury- Med Malpractice <input type="checkbox"/> 365 Personal Injury- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury- Med Malpractice <input type="checkbox"/> 365 Personal Injury- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability					
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY) Transferred from

- ☒ 1 Original ☐ 2 Removed from ☐ 3 Remanded from ☐ 4 Reinstated or ☐ 5 another district ☐ 6 Multidistrict ☐ 7 Judge from

Proceeding State Court Appellate Court Reopened (Specify) Litigation Magistrate Judgement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE _____ DOCKET NUMBER _____

DATE **7/10/03**

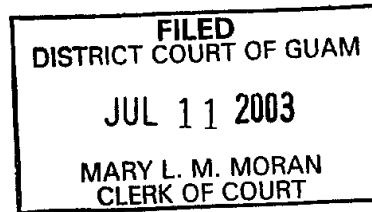
SIGNATURE OF ATTORNEY OF RECORD

Karon V. Johnson

UNITED STATES DISTRICT COURT

1 \$7,084.COM

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3 KARON V. JOHNSON
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7 Attorneys for the United States of America

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 vs.)
14 \$7,084.00 UNITED STATES)
15 CURRENCY,)
16 Defendant.)

CIVIL CASE NO. 03-00026

**VERIFIED COMPLAINT OF
FORFEITURE**

17 Now comes plaintiff, the United States of America, by and through its attorneys,
18 Leonardo M. Rapadas, United States Attorney for the District of Guam, and Karon V. Johnson,
19 Assistant United States Attorney, and respectfully states as follows:

20 1. This is a civil action in rem brought to enforce the provision of 21 U.S.C. § 881(a)(6)
21 for the forfeiture of United States currency which was used or intended to be used in exchange
22 for controlled substances or represents the proceeds of trafficking in controlled substances or was
23 used or intended to be used to facilitate a violation of Title II of the Controlled Substances Act,
24 21 U.S.C. §§ 801 et seq.

25 2. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355.

26 3. The defendant is \$7,084.00 in United States currency.
27
28

1 4. The defendant \$7,084.00 United States currency was seized while located within the
2 jurisdiction of this Court.

3 5. The facts and circumstances supporting the seizure and forfeiture of the defendant
4 currency are contained in the Declaration of DEA Task Force Agent David L. Taitano, attached
5 hereto and incorporated herein as Exhibit A.


6 6. The defendant \$7,084.00 in United States Currency was used, or intended to be used,
7 in exchange for controlled substances, or represents proceeds of trafficking in controlled
8 substances or was used or intended to be used to facilitate a violation of Title II of the Controlled
9 Substance Act, 21 U.S.C. §§ 801 et seq and is, therefore, subject to forfeiture to the United States
10 pursuant to 21 U.S.C. § 881(a)(6).

11 **WHEREFORE**, the United States of America prays that a warrant in rem issue for the
12 arrest of the defendant \$7,084.00 in United States Currency; that due notice be given to all parties
13 to appear and show cause why the forfeiture should not be decreed; that judgment be entered
14 declaring the defendant \$7,084.00 in United States Currency to be forfeited to the United States
15 of America for disposition according to law; and that the United States of America be granted
16 such other and further relief as this Court may deem just and proper, together with the costs and
17 disbursements of this action.

18 Respectfully submitted this 11th day of July, 2003.

19 LEONARDO M. RAPADAS
20 United States Attorney
21 Districts of Guam and NMI

22 By:

23 
KARON V. JOHNSON
24 Assistant U.S. Attorney
25
26
27
28

DECLARATION OF DAVID L. TAITANO

I, DAVID L. TAITANO, being first duly sworn, do depose and say:

1. I am a Guam Customs and Quarantine Officer II (CQII) assigned to the United States Drug Enforcement Administration (DEA) Task Force as a federal deputized Task Force Officer, and have been so for the past fifteen months. During this time, I have participated in several arrests while being assigned with DEA which pertained to the distribution of controlled substances. I have debriefed and directed informants in gathering narcotic intelligence. While being assigned to the DEA Task Force I have been personally assigned to the investigation of narcotics violations as both case agent and surveillance agent.

2. Prior to being assigned to DEA, I was a line officer with the Guam Customs and Quarantine Agency for a period of six years. I have previously completed the Basic Law Enforcement Academy conducted by Guam Community College staff as a requirement to become a Customs Officer. During that time, I completed investigative training courses and courses in narcotics identification. During my tenure as a line officer, I personally identified several drug smugglers and other violators of Customs regulations at the Guam International Airport and transferred my arrest to Guam Customs & Quarantine, U.S. Customs Service or the Drug Enforcement Administration.

3. I have had experience, training and communicating with law enforcement personnel who specialize in the area of documentation and detection of proceeds from drug trafficking. I have experience in debriefing defendants, informants and witnesses who have personal knowledge of drug organizations. Such individuals often have personal information as to the transportation and distribution of money and drugs in large-scale controlled substance

distribution operations.

4. I know from my training, expertise and experience that importers and distributors of controlled substances often keep ledger books, bank records, telephone records, receipts, airline tickets, drug customer lists, photos and other papers that relate to the importation, transportation, ordering, purchasing and the distribution of controlled substances and proceeds derived from said sales.

5. I know from my training and experience that it is common for large-scale drug dealers to secrete contraband, proceeds of drug sales and records of drug transactions in secure locations within their premises for ready access and to conceal them from law enforcement authorities. I also know that persons involved in large scale drug trafficking conceal in their premises caches of drugs, large amounts of currency, financial instruments, precious metals, jewelry, automobile titles and other items of value and/or proceeds of drug transactions and evidence of financial transactions relating to obtaining, transferring, secreting or spending large sums of money acquired from engaging in narcotics trafficking activities. I also know the courts have recognized that cash wealth is probative evidence of crimes motivated by greed, in particular, trafficking in controlled substances.

6. On February 13, 2003, Guam Police Department Violence Street Crimes Task Force Agent (VSCTF) VSCTFA Sang Q. To received a telephone call from a source of information that there was methamphetamine hydrochloride (ice) in Room 719 of the Westin Restort Hotel, Guam. The source stated that the room was registered to an individual named Francine Benavente.

7. On February 13, 2003, VSCTFAs To and Frankie E. Smith went to the Westin and

contacted the Front Desk Manager, Yueh Cheng Tsiao. Mr. Tsiao confirmed that Francine Benavente was the registered guest in room 719, and had a checkout time of noon that day.

8. About 4:50 p.m., VSCTFAs To and Smith met the Westin Hotel director, Amy Hanashiro and Doug Brault, Security Manager, and informed them of the information they had received. Ms. Hanashiro verified through the Front Desk that Benavente had not extended her stay. Ms. Hanashiro advised the agents that the Hotel would seize the room at 6 p.m. and conduct an inventory of the room at that time.

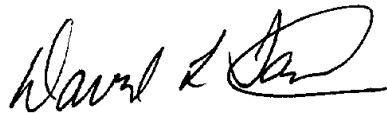
9. At about 6:05 p.m., VSCTFAs To and Smith accompanied Ms. Hanashiro, Mr. Brault and Mr. Tsiao to room 719, where they knocked on the door. After receiving no response, Ms. Hanashiro opened the door and entered. The Hotel personnel searched the room. Mr. Brault then came out of the room and advised the VSCTFAs that he had found a money bag and drug paraphernalia inside the room safe.

10. At about 6:10 p.m., VSCTFAs To and Smith entered Room 719 and received the money bag and drug paraphernalia from Mr. Brault. The Hotel management gave the agents permission to search the room further. VSCTFA Smith seized a child's lunch box containing a dark colored money pouch which was locked. He opened the pouch and observed a gram digital scale, which in my experience is commonly used in the distribution of ice. The bag also contained the defendant \$7,084.00 in United States Currency and packets of a white crystalline substance which he suspected to be ice. VSCTFA Smith also found a resealable plastic bag containing more suspected ice. In total, agents seized four baggies containing suspected ice, one heat-sealed straw containing suspected ice, two baggies containing suspected ice residue, and a glass pipe which in my experience is commonly used to smoke ice.

11. VSCTFA Smith later conducted a Marquis Reagent field test for the presence of methamphetamine on the contents of one of the baggies: the test was positive for the presence of methamphetamine.

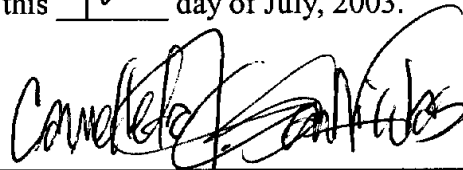
12. VSCTFA To contacted the DEA Guam Resident Office and informed us of their seizure. DEA Special Agent Joe Meno and DEA Task Force Agents Norbert Sablan, Franklin Guterrez and myself went to the Westin Hotel. Subsequently, I received the money and counted it. It amounted to \$7,084.00 in United States Currency. I then secured this money by placing it in the non-drug evidence safe for safekeeping, located in the DEA office.

FURTHER AFFLIANT SAYETH NAUGHT.



DAVID L. TAITANO
DEA Task Force Agent

SUBSCRIBED AND SWORN to before me this 10th day of July, 2003.



NOTARY PUBLIC

)SEAL(

CARMELLETA Q. SAN NICOLAS
Notary Public
In and for Guam, U.S.A.
My Commission expires: Feb. 11, 2006
Sirena Plaza, Ste. 500,
108 Hernan Cortez Avenue
Hagåtña, Guam 96910

1 \$7,084.WAR

2 LEONARDO M. RAPADAS
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7 Attorneys for the United States of America

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 vs.)
14 \$7,084.00 UNITED STATES)
15 CURRENCY,)
16 Defendant.)

CIVIL CASE NO. **03-00026**

WARRANT OF ARREST IN REM

17
18 TO: UNITED STATES MARSHALS OR ANY AUTHORIZED ENFORCEMENT OFFICERS

19 **WHEREAS**, a verified complaint has been filed in this Court praying that process issue
20 for the arrest of property that is the subject of this action:

21 **NOW, THEREFORE**, we do hereby command that you seize the property, which is
22 described as \$7,084.00 in United States Currency, presently on deposit with the Drug
23 Enforcement Administration, Guam Office, and detain the same in your custody until further
24 order of the Court respecting the same.

25 All persons claiming an interest in said property must file their claims, pursuant to Rule C
26 of the Supplemental Rules of Certain Admiralty and Maritime Claims, within ten (10) days after
27

28 -1-

ACKNOWLEDGED RECEIPT

By: *[Signature]*

Date: *7/11/03*

COPY

1 the execution of the warrant or actual notice of this action, whichever occurs first, and must serve
2 and file an answer within twenty (20) days after the filing of the claim with the Office of the
3 Clerk, 4th Floor, United States District Court, 520 West Soledad Avenue, Agana, Guam 96910.

4 Additional procedures and regulations regarding this forfeiture action are found at 19
5 U.S.C. §§ 1602-1619, and Title 21, Code of Federal Regulations (C.F.R.) §§ 1316.71-1316.81.

6 All persons and entities who have an interest in the defendant property may, in addition to filing
7 a claim or in lieu of the filing of a claim, submit a Petition for Remission or Mitigation of the
8 forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R. Part 9.

9 You are also commanded to give due notice to all persons and entities having an interest
10 in the property under seizure by publication in a newspaper of general circulation in the judicial
11 district where the defendant property was seized.

12 DATED this 11th day of July, 2003.

13 UNITED STATES DISTRICT COURT CLERK

14
15 By:

Marilyn P. Alcon
DEPUTY CLERK